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Committee on the Peaceful Uses of Outer Space

Questions on suborbital flights for scientific missions and/or for human transportation

Note by the Secretariat

Addendum

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[Original: English]

I. Introduction

1. At the fifty-third session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, in 2014, the Working Group on the Definition and Delimitation of Outer Space agreed to continue to invite States Members of the United Nations and permanent observers of the Committee to provide their replies to the following questions (A/AC.105/1067, annex II, para. 15 (c)):

(i) Is there a relationship between suborbital flights for scientific missions and/or for human transportation and the definition and delimitation of outer space?

(ii) Will the legal definition of suborbital flights for scientific missions and/or for human transportation be practically useful for States and other actors with regard to space activities?

(iii) How could suborbital flights for scientific missions and/or for human transportation be defined?

(iv) Which legislation applies or could be applied to suborbital flights for scientific missions and/or for human transportation?

(v) How will the legal definition of suborbital flights for scientific missions and/or for human transportation impact the progressive development of space law?

(vi) Please propose other questions to be considered in the framework of the legal definition of suborbital flights for scientific missions and/or for human transportation.

2. The present document has been prepared by the Secretariat on the basis of replies received from Mozambique and Qatar.

II. Replies received from Member States

Mozambique

[Original: English]
[20 January 2015]

Question (i). Yes, as some parts of suborbital flights are being carried out in outer space before re-entry into the airspace for completion of the flight and landing.

Question (ii). Yes.

Question (iii). Flights performed in both airspace and outer space but not completing an orbit.

Question (iv). Special international legislation based on both national and international legislation.

Question (v). Taking into account the legal regime of airspace — sovereignty of States where applicable to outer space — the freedom of nations to apply

principles of both airspace and outer space rules for suborbital flights may impact the progressive development of space law.

Question (vi). Does the lower limit of outer space coincide with the upper limit of airspace? If not, there is no legal regime of the area between airspace and outer space.

Qatar

[Original: Arabic]
[2 February 2015]

Question (i). We understand that the current regulations adopt a general approach with regard to all flights in outer space. According to article VI of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, States parties to the Treaty shall bear international responsibility for national activities in outer space. Article VII of the Outer Space Treaty provides that each launching State is internationally liable for the damages caused by objects launched by it into outer space.

With regard to suborbital flights, in addition to potentially amending the Outer Space Treaty, States might adopt other approaches to regulating such flights, such as those that are applied to air flight services.

Question (ii). Currently, there is a wide range of suborbital flights that are difficult to incorporate into a single definition. To the extent that the matter involves the altitude factor, upper airspace, as well as the outer space beyond it, can be reached in accordance with universally acceptable practices and definitions (100 km).

Question (iii). The challenge lies in finding a single definition that would be applicable to all missions.

Question (iv). When an activity is to be carried out on national territories, legislation that is applied in national laws must govern such an activity.

Question (v). As indicated in our previous correspondence, Qatar believes that defining airspace would assist in determining State responsibility and clarifying the concept of national sovereignty.

Question (vi). At this stage, we do not have any other questions.